

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Official Minutes December 6, 2002

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
LEE'S SUMMIT, MISSOURI, ON FRIDAY, DECEMBER 6, 2002**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Friday, December 6, 2002, in Lee's Summit, Missouri, was called to order at 8:30 a.m. by the Chairman, Mr. Ollie W. Gates. The following members were present: Mr. W. L. (Barry) Orscheln, Vice Chairman, Ms. Marjorie B. Schramm, Mr. Bill McKenna, Mr. James B. Anderson, and Mr. Duane S. Michie.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Mr. Henry Hungerbeeler, Director of the Missouri Department of Transportation; Mr. Rich Tiemeyer, Chief Counsel for the Commission; and Mrs. Mari Ann Winters, Secretary to the Commission, were present on Friday, December 6, 2002.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

CLOSED MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.
4. Section 610.021(9) – Negotiations with unions.
5. Section 610.021(14) – Records protected from disclosure by law.

The Commission met in the Closed Meeting from 8:00 a.m. until 8:30 a.m.

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APPROVAL OF MINUTES, REGULARLY SCHEDULED HIGHWAYS AND TRANSPORTATION COMMISSION MEETINGS, OCTOBER 31, 2002, AND NOVEMBER 20, 2002 AND AMENDMENT TO OCTOBER 24, 2002, MINUTES

Upon motion by Commissioner Schramm, seconded by Commissioner Orscheln, the Highways and Transportation Commission unanimously approved the minutes of its October 31, 2002, and November 20, 2002, regularly scheduled meeting, and an amendment to the October 24, 2002, minutes. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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CONSENT AGENDA

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

Consent Agenda Item 7, "Relocation of the Eastbound I-64 Ramp at 8th Street in Downtown St. Louis," was removed from the consent agenda. Upon motion by Commissioner Schramm, seconded by Commissioner McKenna, the remaining consent agenda items were unanimously approved by a quorum of Commission members present.

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BLUE RIBBON COMMITTEE

Chairman Gates reported that the Commission is considering the appointment of a Blue Ribbon Committee to objectively review issues related to MoDOT and the Commission. Toward that end, Commissioner McKenna will draft objectives for the proposed committee for future consideration by the Commission.

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REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has five committees (Audit Committee, Bond Financing Committee, Building Committee, Compensation Committee, and Legislative Committee) and elects Commission representatives to two boards (Missouri Transportation Finance Corporation and Highway and Transportation Employees' and Highway Patrol Retirement System). The following committee reports were made during the December 6, 2002, meeting.

Compensation Committee Report

Commissioner Schramm reported that Phase I of the Department wide job study will be implemented January 2003. This phase includes changing the overtime status of 71 job titles; night shift differential, increases for lateral transfers, premium pay for work on holidays, and an increase in time off for a death in the immediate family.

Commissioner Schramm further reported that management staff is continuing to work with functional unit leaders and the District Engineers on the details of Phase II, which includes a new job evaluation method and salary structure, as well as a salary inequity increase policy. Given the absence of funding for salary increases, the Commission will further consider Phase II implementation after the internal issues are resolved and at such time as funding for salary increases is appropriated. If approved by the Commission, the target date for implementation would be no sooner than July 2003.

The final phase related to the job study involves the issue of Pay for Performance. This issue will be considered by the Commission at a future date. If approved by the Commission, the target date for implementation would be no sooner than July 2005.

Legislative Committee Report

Commissioner McKenna reported that the staff had attended various meetings throughout the state being held by Senator Bond regarding transportation needs in Missouri.

To date, bills pre-filed in the state legislature have little or no impact on MoDOT.

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AMERICAN ROAD AND TRANSPORTATION BUILDERS' ASSOCIATION 2002 GLOBE AWARD

Sabin Yanez, District Engineer, District 4, advised the Commission that MoDOT had been recognized by the American Road and Transportation Builders' Association for excellence in environmental protection and mitigation on the Bruce R. Watkins Drive project in Kansas City. He presented the award to former District Engineer Dan Miller, retired MoDOT employee Frank Green, MoDOT employees Fred Steele, Mark Stock, and Norm Wade, and HNTB representative Jim Kinder.

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PUBLIC PRESENTATION - GREATER KANSAS CITY CHAMBER OF COMMERCE

Mr. Tom Swenson, Chairman of the Surface Transportation Committee of the Greater Kansas City Chamber of Commerce, advised the Commission that the chamber had been reviewing the various funding allocation alternatives being proposed by the MoDOT staff, but had not yet developed a formal recommendation thereon. He said, however, the chamber

supported the Commission's efforts to change the current method of determining transportation priorities and funding allocation. He emphasized that the chamber would continue to be supportive of increased funding for transportation.

Mr. Swenson reported that the chamber continues to support a multimodal transportation system that includes highways, bridges, transit, rail, and waterways, and a transportation plan with multiple funding sources. In addition, the chamber supports continued accountability and incremental increases in funding.

Mr. Swenson asked the Commission to keep the chamber involved in transportation issues, such as funding allocation and project development. The chamber will, in turn, continue to advise the Commission and MoDOT staff about projects and issues important to the Kansas City region and work cooperatively to achieve common goals.

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PUBLIC PRESENTATION - CITY OF WARRENSBURG, JOHNSON COUNTY

Mr. Jeff Hancock, City Manager of Warrensburg, Johnson County, stated that Central Missouri State University, the Missouri State Veterans Home, and a medical center are located in Warrensburg, and Whiteman Air Force Base is a short distance from the city. He noted that Warrensburg is the county seat of Johnson County, as well as a regional trade area with tourism, a regional hospital, and significant industries.

Mr. Hancock reported that the Warrensburg community was a leading force for the Routes 92-10-13 Corridor Coalition and the Route 50 Highway Coalition. Representatives of the city aggressively supported the increase in motor fuel tax in 1992. At that time, the city was told that once the Lexington Bridge was funded, it would receive a bypass. He said, therefore, they

were very disappointed when the bypass was not included in the recent list of projects proposed to be accomplished with increased funding for transportation, which was ultimately rejected by the voters.

Mr. Hancock said the city had provided funding and worked cooperatively with MoDOT to design a pedestrian overpass to accommodate students and other pedestrians in Warrensburg. He noted that in the past six years the city had spent \$1.3 million in an effort to work with MoDOT to solve area transportation problems.

Mr. Hancock stated that District 4, which has responsibility for the Warrensburg region, is the only MoDOT district comprised of both rural and urban areas. He expressed concern that as a result thereof, the majority of funds available for District 4 flow to the urban area. Mr. Hancock reported that Warrensburg has a critical transportation problem with a single point access at Route 13 and Route 50. He said the current access was built in the 1960s and was no longer adequate to serve the increased regional traffic.

Mr. Hancock asked the Commission for an immediate review of Route 50, which he felt could result in cost-savings by (1) reducing some of the proposed interchanges and (2) revising the proposed design of the highway improvement at Warrensburg from a four-lane divided facility to a "Super Two" facility. He also requested immediate upgrades on Route 13 in Johnson County and intersection improvements at Warrensburg. He asked the Commission to move quickly in resolving the urban/rural funding distribution issue, and to allow District 4 greater flexibility in allocating resources. Mr. Hancock stated that Warrensburg favors the Option 2 funding allocation proposal previously presented to the Commission by MoDOT staff.

Kevin Keith, Chief Engineer, stated that due to very limited transportation funding, the MoDOT District 4 staff would work with the city of Warrensburg to pursue a study to identify the highest priority needs in the area in order to address them sequentially as funding will allow.

Commissioner Anderson expressed appreciation to the delegation for the team approach being spearheaded by Warrensburg and the flexibility of the area to consider an alternate highway design to address current transportation needs.

Commissioner Schramm encouraged the MoDOT staff to review other areas where limited funding will not allow a four-lane facility to be constructed in order to determine if a “Super Two” facility might be a viable alternative.

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PUBLIC PRESENTATION – NORTHLAND REGIONAL CHAMBER OF COMMERCE

Mr. Stan Masters, chair for the Governmental Affairs Division of the Northland Regional Chamber of Commerce addressed three issues with the Commission: future funding, funding allocation, and regional priorities.

Future Funding - Mr. Masters stated that given the recent economic downturn in the economy, it was imperative that a fair and reasonable plan for increased transportation funding be adopted. He asked the Commission to partner with the Northland Chamber to develop a package for increased funding that will be acceptable to Missouri voters.

Funding Allocation - Mr. Masters said the Northland Regional Chamber of Commerce supports a change in the way funds for highway improvements are distributed. He noted that changes in the population demographics render the past allocation (50 percent to the Kansas City and St. Louis major metropolitan areas and 50 percent to the remaining portions of the state)

no longer appropriate. In addition he noted that the allocation between the Kansas City and St. Louis major metropolitan areas, one-third and two-thirds respectively, was also no longer appropriate. Mr. Masters said the Northland Regional Chamber of Commerce supports a distribution based on the needs of the state. He felt that a focus on past transportation programs, such as the 1987 Proposition A program or the 1992 Fifteen-Year Plan, would serve only to highlight past failures. Mr. Masters stated that the Northland Regional Chamber supports an option that would fairly distribute funding by taking into account the percent of state bridges and vehicle miles traveled in each district, in addition to employment and population data. He further stated that the Northland Regional Chamber supports an option that provides funds to accommodate interstate highways, major projects, safety, and emerging needs. He said MoDOT Option 2 most closely mirrors their areas of support.

Regional Priorities - Mr. Masters stated that while preserving the existing system is an important priority, there are many needs for highway improvements. He said wise investment in these improvements would result in substantial increases in resources for the state. He suggested that during this time of limited resources, large projects be divided into smaller segments in order for progress to continue to be made on needed improvements.

Mr. Masters noted that construction is currently taking place on the following regional projects: Route 152, Platte County; Route 169 from I-435 to Route 92; the interchange at Route 152 and Greenhills Road; the interchange at Route 152 and Maplewoods Parkway, and the interchange at Route 152 and I-35 in the city of Liberty. He said that \$3 million is available in leverage funds through local sources and the federal government for widening of Route 269 (Chouteau Trafficway) to four lanes from I-35 to the north end of the Chouteau Bridge.

Mr. Masters said two improvements are needed to address important safety issues: (1) widening Route 45 to four lanes from Route 9 to I-435, and (2) installation of cable-type median dividers on Routes 169, I-29, and I-35.

Mr. Masters reported that the highest major corridor priority for the area was additional lanes across the Missouri River on I-35. He noted these lanes are needed to continue the Kansas City Northland's ability to be an integral part of the Kansas City metropolitan area and continue the potential for I-35 to be the major NAFTA highway.

Summary - Mr. Masters asked the Commission to (1) seriously consider the above regional highway priorities, (2) adopt a fairer and more workable funding allocation method, and (3) allow the Northland Regional Chamber to assist MoDOT in addressing Missouri's highway funding needs.

Commissioner Anderson asked Mr. Masters if consideration had been given to the use of tolls as a means to fund additional lanes across the Missouri River.

Mr. Masters said that while the chamber had not discussed this issue, he felt confident that it would be fair in its review of such a proposal.

The Chairman thanked the delegation for its presentation.

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PUBLIC PRESENTATION – VIVION ROAD GANG

Vivion Road Gang co-founders Ray Brock, Charles Garney, and Anita Gorman and the mayor of Riverside, Betty Burch, met with the Commission to provide an update on the improvements of Route 69, Vivion Road. Vivion Road is a major east-west highway connecting Clay and Platte Counties.

Mayor Burch advised the Commission that Riverside would be cooperatively participating with MoDOT in a project to refurbish Old Route 72. Local funding for this project was made available from area casino operations allocated to the city's capital improvement program.

Mayor Burch explained that only one lane of Vivion Road is within the city limits of Riverside; the remaining lane is within the city limits of Northmoor. Northmoor has a population of only 400; therefore its funding is limited. Mayor Burch said discussions are underway with Northmoor regarding a local sales tax or other means to provide funding for the Vivion Road improvement.

Mayor Burch explained that improvement of the portion of Vivion Road that extends to Route 69 needs to be coordinated with other Vivion Road work being planned. She said the City of Riverside was sincere about its desire for the improvements to be made and its willingness to work toward that end.

Ms. Gorman noted that three years ago the Missouri legislature had secured \$300,000 for planning pertaining to the Vivion Road improvement, which is now complete. She stated that MoDOT had allocated \$2 million toward the project, \$500,000 of which has been obligated. She asked the Commission to allocate the remaining \$1.5 million toward detail planning/construction drawings from North Oak to Claycomo.

Chairman Gates thanked the delegation for its presentation and acknowledged Ms. Gorman's outstanding service to the Kansas City area and to the state as chairman of the Conservation Commission.

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PUBLIC PRESENTATION – CITY OF INDEPENDENCE

Ron Stewart, mayor of Independence, expressed appreciation for the reconstruction of Interstate 70 from Route 291 in Independence to Route 7 in Blue Springs. He commended Sabin Yanez for his responsiveness to local area elected officials, the city public works staff, and the local business community as it pertained to traffic management during the reconstruction process. Mayor Stewart emphasized the need for the project by pointing out that in the last two years there had been 452 accidents on I-70 from the east city limits of Independence through the Route 291/470 interchange, which is only a portion of the roadway to be reconstructed.

Mayor Stewart expressed appreciation to the MoDOT staff for designing the project in a manner to keep the Little Blue Parkway interchange open. He stated that closing the ramps would have been devastating to local businesses which rely on the I-70 interchange for access.

Chairman Gates thanked the delegation for its presentation.

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PUBLIC PRESENTATION – MID-AMERICA REGIONAL COUNCIL

David Warm, Executive Director of Mid-America Regional Council (MARC), extended appreciation for the leadership and support of the District 4 MoDOT staff. He said the staff members are professional, responsive, and accountable.

Mr. Warm said the Kansas City area has a focused and ambitious transportation agenda. He said after working cooperatively with MoDOT, local governments, and members of the general public, MARC recently adopted a new long-range transportation plan for the Kansas City region. That plan is organized around four key objectives: economic growth, access to opportunity, enhancing the quality of the environment, and promoting safety among the traveling public. As a result thereof, there are many areas of focus that parallel those of MoDOT, such as

maintenance and management of the existing system. Mr. Warm said their long-range plan defines a number of strategic investment priorities, such as a Missouri River crossing and developing a comprehensive public transit system for the metropolitan area.

Mr. Warm stated that during these times of limited resources, intensive planning efforts are needed to ensure funds are spent on the highest priorities and that the scope of work is in keeping with relevant traffic demands. He noted that many times the scope of a project could be reduced in keeping with funds available for the improvement.

Mr. Warm said MARC was very supportive of the Commission's efforts to adopt a new transportation allocation policy. He said he and other representatives of MARC had worked closely with MoDOT on this issue. As a result, he feels there is substantial agreement in the Kansas City area. He reported that Kansas City is unified in its view that the current rural/urban split does not serve the needs of the state and needs to change. He said Kansas City is also unified around the following key principles: (1) there should be a simple, clear, and rational criteria to strengthen the state's partnership with local decision makers and (2) there should be a strong commitment to system preservation with sufficient flexibility to meet other statewide and regional priorities. Kansas City is also unified in its desire for the city to receive an appropriate investment of resources, but they are equally committed to developing a framework that will meet a variety of needs throughout the state.

Mr. Warm continued by saying Kansas City is unified in its position that the options presented to the Commission by MoDOT to date do not meet those objectives. He felt, however, that a workable compromise could be identified for further consideration by the Commission. He said he would continue to work with others throughout the state toward this end; he felt that a

workable compromise would not achieve every interest, but could represent a positive step in moving away from the current rural/urban division.

In response to a query from Commissioner Anderson regarding MARC's position on toll bridges, Mr. Warm said every option must be considered in an effort to secure additional lanes across the Missouri River.

Commissioner Orscheln noted that the condition of roadways and bridges on the National Highway System throughout the state is not equal; therefore he felt the goals should be achieved on a district-by-district basis in order for the condition of roadways and bridges to be at an equal level at the end of the specified period of time for achieving the goal. He noted that using formulas that incorporate employment, population, or lane miles would not achieve this result. He asked Mr. Warm to comment thereon.

Mr. Warm said MARC has felt that using a "needs" basis is a "rich" concept. He said pavement condition is a key definition; however, there are other aspects that are also urgent and critical. These include congestion, access and mobility, economic development, and intensive use of the roadway facility. He felt it was necessary to find a right balance to ensure that each part of the state has sufficient resources to meet its critical criteria, while making sure that the state achieves an acceptable level of performance and condition.

Mr. Warm encouraged the Commission to consider their impending decision on a funding allocation method to be an interim step, with further consideration being given to the issue when additional funding for transportation is forthcoming.

Chairman Gates expressed appreciation to Mr. Warm for his presentation and for the cooperative working relationship that Mr. Warm promotes with the MoDOT staff in Kansas City.

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PUBLIC PRESENTATION – CITY OF KANSAS CITY

Mayor Kay Barnes of the City of Kansas City noted that in cooperatively working with MoDOT staff on the appearance of roadways in Kansas City, the city learned that the basic maintenance service that needs to be provided on urban highways is being delayed or canceled due to the need to patch and repair pavement services. This action negatively affects sweeping, mowing, litter removal, and maintenance of traffic control devices.

Mayor Barnes suggested that the 50 percent rural:50 percent urban funding method and further the allocation of urban funds between St. Louis and Kansas City no longer represents the needs of the Kansas City region or the state as a whole. She stated that the city had been encouraged by Missouri Association of Councils of Governments (MACOG) representative's efforts to define a funding allocation method using population, employment, travel patterns, and number of bridges as factors in the allocation formula. She said the city would not favor elements in the funding allocation formula that would focus on uncompleted projects from the 1987 Proposition A program or the 1992 Fifteen-Year Program. She said the current funding constraints requires everyone to reevaluate highway needs and allocate current funds where they will do the most good.

Mayor Barnes said the city favors allocating funds to the Interstate system because the entire state benefits from improvements made anywhere on that system. She said it also supports an allocation of funds to major projects of statewide significance and focusing on taking care of the existing system with accompanying performance goals.

Mayor Barnes said based on the current options proposed by MoDOT staff, the city would favor Option 2 because it most closely aligns with the proposal of the MACOG representatives. She said the city firmly believes it is time to abandon the current allocation method and move to one that is more representative of additional statewide and regional highway needs.

Mayor Barnes expressed concern with the decrease in state funding for public transit. She said not all citizens are able or can afford to drive a personal vehicle. The city strongly endorses a revision in current legislation to allow state highway user funds to be used for public transportation.

Mayor Barnes said downtown Kansas City is being restored. She expressed concern that unattractive highways in the downtown area will discourage visitors and citizens from traveling in the downtown area. She expressed the hope that a change in funding allocation will not only allow improvement in the pavement surface, but will allow time for MoDOT maintenance personnel to restore the highway rights-of-way in downtown Kansas City to a condition consistent with a progressive community.

Mayor Barnes referred to the need for a new Missouri River crossing in the Kansas City area to ensure that traffic flow and safety are not compromised.

Mayor Barnes thanked the Commission for the completion of needed projects in the Kansas City region.

Chairman Gates expressed appreciation to the mayor for the presentation.

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PUBLIC COMMENTS

The following issues were presented to the Commission during an open comment period.

Eva Danner, County Commissioners Association, Missouri Association of Counties, and the Livingston County Commission

County Commissioner Eva Danner reported that the Missouri Association of Counties and the County Commissioners Association had voted to support allocation of funds as proposed by the MoDOT staff to the Commission as Option 3.

On behalf of the Livingston County Commission, County Commissioner Danner asked that Route 36 be completed as a four-lane facility across the state to enhance economic development in north Missouri.

Jeffrey Bedford, Member, Board of Directors, KC Regional Transit Alliance

Mr. Jeffrey Bedford, member of the board of directors for the Kansas City Regional Transit Alliance asked that MoDOT and Commission policy properly reflect the diversity of transit modes of the state, including public transit. To that end, he urged the Commission to support legislation to allow cities the flexibility to use state motor fuel taxes and other highway user fees to support public transit in a manner similar to that allowed with federal funds. The Regional Transit Alliance is a grassroots public transit advocacy group with over 500 members in the Kansas City area.

Chief Counsel Rich Tiemeyer noted that the State Constitution limits the use of state highway user funds to road and bridge purposes.

Mark Kuffer, General Manager of Kansas City Area Transportation Authority and member of the Board of Directors of Missouri Public Transportation Association

Mr. Kuffer stated that transit is facing a financial crisis, which is especially significant in Kansas City. He said that unlike other transit systems in the country, Kansas City does not have a regional funding base. The Kansas City Area Transportation Authority's only funding base is a ½-cent sales tax levied only with the city of Kansas City. Combined with modest state support, the total transit investment in Kansas City is \$33 per capita per year. Peer cities invest from \$70 to \$120 or more per capita per year. He said if new revenue sources are not found prior to January 2004, 20 to 25 percent of the transit services available in Kansas City may have to be eliminated. Mr. Kuffer noted that the state legislature had cut state General Revenue funds, anticipating that federal Surface Transportation Program funds would be used for transit in the Kansas City in lieu of using those funds for road and bridge improvements. He said the result had been a reduction in state support from \$2.4 million in Fiscal Year 2002 to \$850,000 in Fiscal Year 2003, which is less than two percent of their budget. On a comparative basis, he stated that other states provide approximately 22 percent of city transit authority budgets.

Mr. Kuffer stated that approximately one-third of Missourians would always be too old, too young, or unable to drive. He said without an effective transit system, travel options will be taken away from one-third of Missouri citizens. Mr. Kuffer asked the Commission to focus on public transit as an integral solution to Missouri's transportation needs and to support adequate funding for this mode of travel.

Regarding the request of the state legislature for MoDOT to allocate STP funds to public transportation rather than road and bridge projects in the Kansas City area, Chief Operating Officer Pat Goff stated that the Commission had already committed the STP funds to projects in the Statewide Transportation Improvement Program. He stated that the Kansas City metropolitan planning organization could use its STP funds (approximately \$14 million) for either road and bridge projects or public transportation; however, MoDOT could not comply with the request.

Commissioner Schramm asked Mr. Kuffer to provide the Commission with the demographic information he used to support his statement that one-third of Missourians will consistently rely on public transportation.

In response to a query from Commissioner Gates, Mr. Kuffer reported that fares account for approximately 18 percent of the total cost, which is low compared to the national average.

Ben Sharp, citizen from Lee's Summit regarding Route 291

Mr. Ben Sharp expressed concern with the hazardous condition he feels will result from construction on Route 291 South, which will result in transitioning from multiple lanes to two lanes for a short distance then back to multiple lanes.

District Engineer Sabin Yanez said growth in the area, the length of time taken to deliver the project, and limited funding were all considerations in establishing the Route 291 South project limits; however, he will meet with Mr. Sharp to review the issue further.

Jack Briggs, citizen from Cameron regarding Route 36, Macon County

Jack Briggs reported that Route 36 was nearly completed as a four-lane facility from St. Joseph to Macon, a distance of approximately 150 miles. He said the last 13-mile segment was divided into three projects, two of which are underway. The last project was to have been

funded with bond financing, which the Commission has now decided cannot be pursued due to the current state of the economy and the risk of not being able to match future federal funds. He asked the Commission to give consideration to completion of the uncompleted segment. District Engineer Mike Bruemmer advised that the estimated cost of subject project is \$38 million.

Mr. Briggs said it would be essential for the Commission to complete the projects in the 1987 Proposition A program in order to restore MoDOT credibility in the rural areas.

Mr. Briggs said that while he had not reviewed the various funding allocation options proposed by MoDOT staff, he encouraged the Commission to use vehicle miles of travel as the basis for funding distribution in order to return funds to the location where they were collected.

Jerry Mounts, citizen from Kansas City

Mr. Jerry Mounts commended Chairman Gates and Director Hungerbeeler for efforts to meet with the public and explain the critical need for increased transportation funding.

Mr. Mounts suggested that a survey form be included with tax forms sent annually to Missouri citizens to allow them to express their opinions on transportation needs. He said that during his recent campaign for elected office, seven out of ten citizens that he contacted stated they would support toll facilities in Missouri. He suggested that a toll facility be constructed from Kansas City to St. Louis.

Mr. Mounts said that Kansas City needs a light rail system connecting the airport to the downtown area, the Plaza area, and south Kansas City.

In order to generate additional revenue, Mr. Mounts proposed that sales tax on vehicles be paid at the dealership, which in turn, would submit the money to the state. He said all sales taxes are not collected in Missouri due to individuals registering vehicles in adjoining states or non-payment of the sales tax by those who do not license the newly purchased vehicle. Director

Hungerbeeler added that the Department of Revenue recently reported that purchasers of approximately 300,000 vehicles in Missouri have not paid sales tax thereon.

The staff will further pursue the suggestions made by Mr. Mounts.

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MISSOURI DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2004 LEGISLATIVE BUDGET

On behalf of the Director, Herbert Wheeler, Resource Management Director presented the proposed Fiscal Year 2004 Road and Bridge and Multimodal Operations Budgets and recommended they be submitted to the Office of Administration. The high level of resource allocation will be further broken down in upcoming months to reflect the detailed operating budget. These subsequent allocations will be presented to the Commission for its approval.

Mr. Wheeler discussed the revenue and expense assumptions used to prepare the budget. He advised that the Office of Administration had requested that all state agencies limit budget submittals to levels approved the prior year.

Mr. Wheeler pointed out that cuts in General Revenue funds for the Multimodal Program had taken place in the Fiscal Year 2003 budget. He recommended that those amounts be included in the Fiscal Year 2004 budget.

Commissioner Anderson said the Commission had a responsibility to provide the Office of Administration with budget information consistent with its guidelines for budget submittals and also had a responsibility to advise the Office of Administration and Missouri's elected officials about the needs of, and opportunities available through the multimodal transportation program, including \$3 million for a high-speed rail study and \$6 million for expansion of port facilities.

Commissioner Michie emphasized that revenue generation from alternate modes of transportation and freight movement is very significant. He encouraged the staff to present the budget information in a manner to highlight the needs of the other modes in order for Missouri's elected officials to make informed decisions related thereto.

After discussion, Commissioner Anderson moved approval of the recommended budget in the format requested by Office of Administration to be accompanied by supplementary material highlighting other needs in the multimodal area, including \$3 million for a high-speed rail study and \$6 million for expansion of port facilities; Commissioner Schramm seconded the motion, and it was approved unanimously. The approved Fiscal Year Legislative Budget Request is shown below:

MISSOURI DEPARTMENT OF TRANSPORTATION
FY 2004 Legislative Budget Request
(in Thousands of Dollars)

FY 2004
Legislative
Budget Request

Income

Road & Bridge:

State Revenue	\$1,056,604
Federal Reimbursement	<u>554,828</u>

Total Income – Road & Bridge	\$1,611,432
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Multimodal:

State Revenue	\$18,322
Federal Reimbursement	<u>33,309</u>

Total Income – Multimodal Operations	\$51,631
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One Stop Shop:

State Revenue	\$33,531
Federal Reimbursement (MC)	<u>960</u>

Total Income – One Stop Shop	\$34,491
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GRAND TOTAL INCOME	<u>\$1,697,554</u>
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Expenditures

Administration:

Personal Services	\$24,418
Fringe Benefits	18,588
Expense & Equipment	<u>8,356</u>
	\$51,362

Maintenance:

Personal Services	\$118,943
Fringe Benefits	55,390
Expense & Equipment	<u>117,266</u>
	\$291,599

Construction:

Personal Services	\$78,883
Fringe Benefits	32,833
Expense & Equipment	29,916
Contractor Payments from State Road Fund	701,850
Contractor Payments from Bond Proceeds	256,000
Transportation Enhancements	<u>9,500</u>
	\$1,108,982

Service Operations:

Personal Services	\$16,919
Fringe Benefits	7,103
Expense & Equipment	<u>82,830</u>
	\$106,851

MISSOURI DEPARTMENT OF TRANSPORTATION
FY 2004 Legislative Budget Request
(in Thousands of Dollars)

	<u>FY 2004 Legislative Budget Request</u>
Multimodal Operations: *	
Administration – Fed	\$1,357
Administration – State	<u>1,323</u>
Sub-Total	\$2,680
Transit Program – Fed	\$20,952
Transit Program – State	<u>6,559</u>
Sub-Total	\$27,511
Rail Program – State	\$5,050
Aviation Program – Fed	\$11,000
Aviation Program – State	<u>4,600</u>
Sub-Total	\$15,600
Waterways Program – State	\$240
State Trans. Assist. Rev. Loan Fund (STAR)	550
Continuing Appropriations – State	<u>\$51,631</u>
Debt Service	\$58,538
Business Plan Priorities **	\$22,000
Other Fringe Benefits – HB 5 ***	\$21,072
Mississippi River Parkway	<u>0</u>
Total Expenditures – Road & Bridge & Multimodal	\$1,712,035
One Stop Shop: Hwy Reciprocity & Motor Carrier RR Safety ****	\$34,491
GRAND TOTAL EXPENDITURES	<u>\$1,746,525</u>
<i>Recap: Excess (Deficiency) of Income Over Expenditures and Other Financing Sources:</i>	
Road & Bridge	(\$48,972)
Multimodal Operations	(0)
One Stop Shop	0
Total Excess (Deficiency) of Income Over Expenditures and Other Financing Source	(\$48,972)

*FY2004's Multimodal – Administration legislative budget request includes PS, fringe benefits, and E&E which are allocated out to the different programs (Transit, Rail, Aviation, and Waterways) in the operating budget. The FY2004 request, thus, appear significantly higher than the FY2003 budget.

**\$10 million has been allocated from the Business Plan Priorities to Preventive Maintenance/E&E.

***Other fringes or HB 5 items are administered by the Office of Administration and not part of MoDOT legislative budget.

****Includes \$26 million for motor fuel tax refunds in the FY 2004 request.

The proposed Fiscal Year 2004 Budget was based on the following assumptions:

1. State revenues are projected to increase due to projected growth of 1.2% for motor fuel taxes, 5.0% for motor vehicle sales and use tax, and 1.5% for motor vehicles licenses and fees during Fiscal Year 2004 over Fiscal Year 2003.
2. Federal reimbursements are projected to further decrease from \$574 million in Fiscal Year 2003 to approximately \$486 million in Fiscal Year 2004. The budget assumes that 90 percent of Fiscal Year 2004 federal funding will be released for obligation. Pass-through funds of approximately \$65.4 million for Fiscal Year 2004 are not included in the above projections.
3. Road and bridge construction program awards and payments reflect \$254 million of Transportation Revenue Bonds scheduled for issuance in the fall of 2003. This would bring the total bond issuance to \$907 million, as approved by prior Commission actions.
4. No salary increases are included in the budget request.
5. Fringe benefits are projected to increase approximately 18 percent for Fiscal Year 2004 primarily due to increasing retirement, medical plan, and workers' compensation costs. Fringe benefits for One Stop Shop operations recently transferred to the Department of Transportation are not included in these numbers.
6. Expense and equipment reflects a 19 percent decrease from the Fiscal Year 2003 operating budget due to a 68 percent decrease in Construction expense and equipment as a result of transferring Design and Bridge Consultants to the construction program. Maintenance expense and equipment reflects an additional \$10 million for preventive maintenance. Administration and Service Operations expense and equipment are set at the same amount as the Fiscal Year 2003 budget.
7. Regarding the Multimodal Program:
 - a. The Transit budget remains at essentially the same level due to several offsetting adjustments.
 - b. The Aviation budget remains the same as approved for Fiscal Year 2003.
 - c. Other increases pertaining to the Multimodal Program will be submitted as supplementary information as noted in the Commission action reflected above.
8. Approximately \$32.2 million will be transferred from General Resources for the One Stop Shop operations. MoDOT will be responsible for funding fringe benefits of One Stop Shop employees that elect to be covered by MoDOT's retirement and medical plan. A \$1.5 million appropriation will be needed to allow MoDOT to assume responsibility for administration of the Railroad Grade Crossing Improvement Program.

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FUNDING ALLOCATION, UPDATE ON INFORMATION RECEIVED FROM OUTREACH PROCESS

On behalf of the Director, Kevin Keith, Chief Engineer, reported that the staff has been seeking input from transportation stakeholders about a process to determine funding allocation. He noted that the Commission had requested an outreach effort to discuss options previously presented to the Commission, as well as to determine the sentiment of the stakeholders for including an element in the funding allocation process that would focus on completion of the 1987 Proposition A projects.

Mr. Keith reported that he, other staff members, and the ten District Engineers have been involved in this process. They have talked with community leaders, metropolitan planning organizations, chambers of commerce, and others. Some of these discussions have resulted in providing information only, others resulted in definitive input; however, no one expressed support for an element to focus on completion of the 1987 Proposition A projects or the 1992 Fifteen-Year Plan, favoring instead to focus on priorities as they exist today. Most of those contacted feel it is time to change from a 50 percent rural:50 percent urban funding distribution process.

Mr. Keith said there is a lot of support for focusing on taking care of the existing system; however, input received indicates that MoDOT should be more flexible in order to meet needs requiring new construction or reconstruction. Input also reflects the local view for increased funding to regional areas and supports an element dedicated to improvement of the Interstate system on a statewide basis.

Mr. Keith said the staff is continuing to work to incorporate input from transportation stakeholders in a new option for consideration by the Commission. He stated that input will

continue to be gathered during the month of December with the outreach effort culminating with a public forum on January 6, 2003, in Jefferson City.

Commissioner Michie asked the staff to provide information to the Commission on a weekly basis summarizing the input it receives via the outreach meetings.

Commissioner Anderson asked the staff to review carefully the amount allocated for economic development with a view toward increasing the amount from \$15 million if possible. In addition, he asked the staff to consider funding the interstate facilities in the greatest amount prudently possible.

Chairman Gates commended the staff for its ongoing outreach effort on funding allocation, noting that he anticipates a Commission decision to be made thereon at the Commission's January 10, 2003, meeting.

* * * * *

MEDICAL AND LIFE INSURANCE PLAN, TRANSPLANT INSURANCE CONTRACT RENEWAL

On behalf of the Director, Jeff Padgett, Chairman, Medical and Life Insurance Plan Board of Trustees, recommended approval of contract renewal(s) with International Funding Limited/Strategic Health Development Corporation (current contractors) to provide transplant benefit coverage for the Medical and Life Insurance Plan through December 31, 2003. The annual cost is estimated to be between \$700,000 and \$750,000.

Via approval of the consent agenda, the Commission unanimously approved the recommendation, and authorized the Chairman of the Medical and Life Insurance Plan Board of Trustees to execute the contract renewal(s).

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**MEDICAL AND LIFE INSURANCE PLAN,
PHARMACY BENEFITS CONSULTING SERVICES**

On behalf of the Director, Jeff Padgett, Chairman, Medical and Life Insurance Plan Board of Trustees, recommended extension of the current contract with Independent Pharmaceutical Consultants, Inc., to provide consulting services, including analysis of statistical data relative to the pharmacy benefit provided under the Medical and Life Insurance Plan. The term of the extension will be December 31, 2002, through December 31, 2003. Contractually obligated services would be at a cost of \$2,350 per month; ad hoc services would be billed at a rate of \$190 per hour.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Chairman of the Medical and Life Insurance Plan Board of Trustees to extend the current contract.

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**MEDICAL AND LIFE INSURANCE PLAN,
ACTUARY AND CONSULTANT SERVICES**

On behalf of the Director, Jeff Padgett, Chairman, Medical and Life Insurance Plan Board of Trustees, recommended extension of the current agreement with Watson Wyatt & Company to provide actuarial and consulting services, including analysis of medical claims statistical data for the Medical and Life Insurance Plan. Semi-annual actuarial reports would be provided at an annual cost of \$35,000; ad hoc services would be billed at \$225 per hour.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Chairman of the Medical and Life Insurance Plan Board of Trustees to execute the agreement, which will be effective through August 15, 2003. The Commission further authorized an extension through August 15, 2004, if no increase in fees is negotiated.

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**FEDERAL TRANSIT ADMINISTRATION
JOB ACCESS AND REVERSE COMMUTE GRANT FUNDING**

On behalf of the Director, Brian Weiler, Multimodal Operations Director, recommended approval to administer a \$750,000 Federal Transit Administration grant award to OATS, Inc., for transportation in 87 counties in the nonurban areas of the state, which will increase Multimodal Operation's FY 2003 operating budget authority from \$58,371,000 to \$59,121,000.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Chief Engineer or Chief Operating Officer to execute related agreements subject to approval as to form by the Chief Counsel's office and increased the Multimodal Operations Fiscal Year 2003 budget authority accordingly.

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**AVIATION ADVISORY COMMITTEE,
APPOINTMENT OF COMMITTEE MEMBERS**

On behalf of the Director, Brian Weiler, Multimodal Operations Director, recommended the reappointment of the following Aviation Advisory Committee members for a two-year term: Bob Dickens, John Lang, Carolyn Morris, Norm Schemmer, and Steve Stockam. Mr. Weiler

also recommended the appointment of Don Klapmeyer as a new member for a two-year term. The 13-member Aviation Advisory Committee advises the Commission on aviation matters.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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**WESTSIDE INTERMODAL TRANSPORTATION CORPORATION,
ARGENTINE CONNECTION, CONSTRUCTION PLAN AND
FINANCING PLAN APPROVAL**

The Commission authorized the formation of the Westside Intermodal Transportation Corporation and its two bi-state projects (Highline Rehabilitation and Argentine Connection) at the December 7, 2001, meeting. Approval of the construction plans and specifications and the final financing plan for the Missouri portion of the Highland Rehabilitation was approved at the February 1, 2002, Commission meeting.

On behalf of the Director, Mike Golden, Chief Financial Officer, and Sabin Yanez, District Engineer, District 4, recommended approval of the construction plans and specifications and the final financing plan for the Missouri portion of the Argentine Connection. The Argentine Connection will be self-financed, with the Commission having no financial responsibility for project development, debt financing, facility operation or maintenance. The Corporation will issue bonds to finance the Missouri portion of the project, which will be payable solely from the net income and revenues derived from the use and operation of the Missouri Argentine project. The bi-state Argentine Connection is estimated to cost \$60 million; the estimated amount of bonds to be issued by the Corporation for the Missouri portion of the project is \$46 million.

Via approval of the consent agenda, the Commission approved the recommendation and authorized the Director, Chief Engineer, or Chief Operating Officer to execute documents pertaining to implementation of the Argentine Connection, including a Cooperative Agreement with the Westside Intermodal Transportation Corporation and the Kansas City Terminal Railway Corporation. All documents are subject to approval as to form by the Chief Counsel or his designated assistant counsel. Commissioner Gates abstained from voting.

* * * * *

RELOCATION OF THE EASTBOUND I-64 RAMP AT 8TH STREET IN DOWNTOWN ST. LOUIS

On behalf of the Director, Kevin Keith, Chief Engineer, reported that the staff has reviewed preliminary information regarding demolition and relocation issues connected with a proposal by the St. Louis Cardinals to construct a new ballpark south of the existing Busch Stadium and north of Interstate 64. The proposed ballpark, as currently planned, would require removal of the eastbound I-64 ramp at Eighth Street in the southwest corner of the site. The proposal would relocate the Eighth Street ramp, but the exact location thereof has not yet been determined.

Preliminary cost estimates indicate that the demolition and relocation, including the cost of right of way and design, will be approximately \$12 million, which will be financed with MoDOT funds that have been allocated to economic development. Mr. Keith recommended the Commission (1) authorize the staff to fund the project described above, beginning in Fiscal Year 2004, contingent upon a commitment by others to fund the construction of the new Cardinal ballpark in downtown St. Louis; (2) authorize the staff to work with the St. Louis region and the St. Louis Cardinals to develop a scope of work and responsibilities required to meet the state

transportation needs associated with the ballpark construction; and (3) amend the 2002-2006 Statewide Transportation Improvement Program pertaining to the above project as follows:

Fiscal Year	Description	Amount
2003-2006	Add J6I1667, design and construction of replacement ramp.	\$12 million
2004	Add J6I1666, removal of existing ramp.	\$306,000

Mr. Keith advised the Commission that this project was recommended by the Department of Economic Development. He further advised that the National Park Service and the Federal Highway Administration find the proposal to be acceptable in concept. The Eugene Field House Museum is concerned about the impact of the proposal on its property; that concern will be addressed as a part of the environmental documentation and design process. The Illinois Department of Transportation is concerned about the impact to residents of Illinois during the time between demolition of the existing ramp and reconstruction of a new ramp; further work will take place over the next few years to satisfy that concern.

Commissioner Schramm clarified that the project was within the normal scope used by the Department to allocate funding for economic development projects and the funds had been set aside and were available for this type of project.

Chief Engineer Kevin Keith reviewed the process used to allocate funds to economic development and cost sharing projects. He noted that economic development projects that qualify for funding must result in job creation or retention and have a positive economic development impact on the state. The Department of Economic Development determines if the projects meet those criteria.

Commissioner Schramm moved approval of the staff recommendation, Commissioner Anderson seconded the motion and it was approved unanimously. In response to a question from Commissioner Michie, Commissioner Anderson reported that the Department of Economic Development monitors economic development projects to determine if the proposed increased economic impacts are ultimately realized.

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RATIFICATION OF CONSULTANT CONTRACT, MANAGEMENT TRAINING

On behalf of the Director, Dave DeWitt, Director of Administrative Services, recommended ratification of a consultant contract with Management Development Incorporated to provide managerial training for 40 MoDOT middle managers at a cost of \$33,000. Dr. Tom DeCoster, director of the Executive Education Program at Indiana State University and the American Association of State Highway and Transportation Officials Highway and Transportation Management Institute will present the training.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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**FY 2003 LEGISLATIVE BUDGET,
SUPPLEMENTAL INCREASE**

On behalf of the Director, Mike Golden, Chief Financial Officer, recommended approval to seek a \$1.2 million General Revenue supplemental appropriation for Fiscal Year 2003 to continue state funding for Amtrak. Failure to receive the supplemental appropriation will result in discontinuation of one of the two daily passenger round trips between St. Louis and Kansas City.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

* * * * *

**AWARD OF CONTRACTS ON FEDERAL-AID AND
STATE PROJECTS, BID OPENING OF NOVEMBER 15, 2002**

On behalf of the Director, Diane Heckemeyer, State Design Engineer, stated that bids for road and bridge improvement projects had been received on November 15, 2002.

Ms. Heckemeyer presented a tabulation of the bids received on all projects and recommended awards be made to the lowest responsive and responsible bidder noted below. She also recommended the bids of Cross-Country Boring, LLC on Call 406 and Call 415 and Gary Clevenger Services on Call 419 be declared non-responsive since the two bids exceeded their specified maximum monetary amount.

Route County Project Call 101	Bid Amount Plus 3% for Contingencies	Non- Contractual Costs	Contractor
E Andrew J1L0309A Z Andrew/Buchanan J1L0309B	\$652,480.26	\$3,697.24	Herzog Contracting Corp. St. Joseph, MO

<u>Route County Project</u>	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
V Andrew/DeKalb J1L0309C			
Call 201			
11 Linn J2L0310A C Linn J2L0310B P Linn J2L0310C KK Linn J2L0310D Park Roads Linn J2L03BRO	693,358.17	5,341.79	APAC-Missouri, Inc. Columbia, MO
Call 301			
47 Warren J3P0416	4,349,257.60	8,528.32	J. C. Industries, Inc. Jefferson City, MO
Call 302			
6 Lewis J3L0311A A Marion J3L0311B	1,202,417.74	5,168.95	Chester Bross Const. Co./ C.B. Equipment, Inc Hannibal, MO
Call 303			
Y Lincoln J3L0312A E Lincoln J3L0312B	807,181.79	4,810.00	G & M Concrete & Asphalt Company, Inc. Troy, MO

Route County Project	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
OO Lincoln J3L0312C MM Lincoln J3L0312D M Warren J3L0312E J3P0644			
Call 304 54 Audrain J3P0679	785,972.70	389.24	APAC-Missouri, Inc. Columbia, MO
Call 401 V Jackson J4S1538 J Cass J4S1539 Y Cass J4S1580 J Cass J4L0304	830,260.32	5,936.61	Superior Bowen Asphalt Company, L.L.C. Kansas City, MO
Call 404 470 Jackson J4I1547 70 Jackson J4I1562	883,471.91		Superior Bowen Asphalt Company, L.L.C. Kansas City, MO
Call 405 29 Clay J4I1561	724,003.83	581.23	Superior Bowen Asphalt Company, L.L.C. Kansas City, MO

<u>Route County Project</u>	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
29 Platte J4I1563			
Call 406 24 Jackson J4M0111	24,699.72		S & S Lawn, Inc. Grain Valley, MO
Call 407 435 Jackson J4I0712	12,375,145.15	4,190.41	Superior Bowen Asphalt Company, L.L.C. Kansas City, MO
Call 408 7 Henry/Cass J4P1564	180,200.72		APAC-Missouri, Inc Columbia, MO
Call 409 70 Jackson J4M0112	166,226.55		Accent Landscape, Inc. Olathe, KS
Call 410 71 Jackson/Cass J4M0113	140,054.25		Accent Landscape, Inc Olathe, KS
Call 411 350 Jackson J4M0114	24,730.30		T L Enterprises Walker, MO
Call 412 435 Henry/Cass J4M0115	193,155.90		Accent Landscape, Inc Olathe, KS

Route County Project	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
Call 413 470 Jackson J4M0116	50,714.62		Abney Mowing & Landscaping, Inc. Hannibal, MO
Call 414 50 Johnson/Jackson J4M0117	84,595.13		Locke Enterprises, LLC Hannibal, MO
Call 415 24 Lafayette J4M0118	16,459.40		S & S Lawn, Inc. Grain Valley, MO
Call 416 70 Lafayette J4M0119	74,619.79		Locke Enterprises, LLC Hannibal, MO
Call 417 29 & 152 Platte J4M0120	22,458.12		T L Enterprises Walker, MO
Call 418 10 & 210 Ray J4M0121	18,513.63		Locke Enterprises, LLC Hannibal, MO
Call 419 13 Ray J4M0122	19,189.31		Locke Enterprises, LLC Hannibal, MO
Call 501 54 SOR Callaway J5L0313A 54 SOR Callaway J5L0313B	953,336.59		APAC-Missouri, Inc. Columbia, MO

<u>Route County Project</u>	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
C Callaway J5L0313C F Callaway J5L0313D H Callaway J5L0313E J Callaway J5L0313F NN Callaway J5L0313G Park Roads Boone J5L03ROC			
Call 601 231 St. Louis J6S1492	566,947.32	333.72	Pace Construction Co. LLC St. Louis, MO
Call 602 366 St. Louis J6S1479	2,986,714.90	443.72	N. B. West Contracting Co. Brentwood, MO
Call 603 70 St. Louis City J6I1581	3,600,056.56	389.24	KCI Construction Company St. Louis, MO
Call 604 21 Jefferson J6P0876M	3,982,327.81		APAC-Missouri, Inc Columbia, MO

Route County Project	Bid Amount Plus 3% for Contingencies	Non- Contractual Costs	<u>Contractor</u>
Call 605 61 Jefferson J6P1554	870,448.88	870.66	R. V. Wagner, Inc. St. Louis, MO
Call 606 61 St. Charles J6P1503	2,287,636.68	333.72	St. Louis Bridge Construction. Company Arnold, MO
Call 609 44 St. Louis J6I1582	5,627,969.68	1,535.52	Millstone Bangert, Inc. St. Charles, MO
Call 610 100 St. Louis City J6S1535	1,903,466.69	389.24	Pace Construction Co., LLC St. Louis, MO
Call 701 215 Cedar & Dade J7L0314A 160 Barton J7L0314B Stockton State Park Cedar J7L03STO	564,812.31	3,984.40	APAC-Missouri, Inc. Columbia, MO
Call 801 13 Stone J8P0452E 160 Taney J8P0612B 60 Greene J8P0692B	47,004.05		D & E Plumbing and Heating, Inc. Nixa, MO

Route	Bid Amount	Non-
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<u>County Project</u>	<u>Plus 3% for Contingencies</u>	<u>Contractual Costs</u>	<u>Contractor</u>
Call 901 63 Howell J9S0404	5,898,151.22	4,115.05	Hilty Quarries, Inc. Clinton, MO
Call 9A3 7 Pulaski J9L0315A T Pulaski J9L0315B	515,906.48	3,087.01	Willard Asphalt Paving, Inc. Lebanon, MO
Call 9B3 D Camden J5L0315C Park Road Camden J5L03HA Park Road Miller/Camden J5L03OZA	618,489.67		West Central Contractors, Inc. Clinton, MO
Call 904 17 Texas J9L0317A 17 Howell J9L0317B 137 Texas/Howell J9L0317C 160 Howell J9L0317D 160 Oregon J9L0317E 17 Howell/Texas J9L0317F	1,099,664.60	7,466.26	Leo Journagan Construction Company, Inc. Springfield, MO

Route County Project Call 906	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
FF Franklin J6L0316A 47 Washington J9L0316B 21 Washington J9L0316C Park Road Washington J9L03WAS	979,668.49	3,840.82	Lead Belt Materials Company, Inc. Park Hills, MO
Call X01 142 Ripley-Butler J0L0330A CC Butler J0L0330B D New Madrid-Dunklin J0L0330C	1,070,082.74	5,312.53	Girardeau Contractors, Inc. Cape Girardeau, MO
Call X02 60 Butler J0P0573	26,947,889.25	7,395.75	McAninch Corporation Des Moines, IA
Totals	<u>\$84,839,740.83</u>	<u>\$78,141.43</u>	

Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

After consideration and upon motion by Commissioner Michie, seconded by Commissioner Orscheln, the Commission unanimously declared the bids of Cross-Country Boring LLC on Call 406 and Call 415 and Gary Clevenger Services on Call 419 non-responsive. It further unanimously (1) awarded the projects to the lowest responsive and responsible bidder, as recommended and noted above, (2) authorized an additional three percent of the contract

amount for contingencies, and (3) approved the allocation of funds covering the non-contractual costs included in the various projects, as indicated. The Commission authorized the Director, Chief Engineer, or Chief Operating Officer to execute the contracts.

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AUTHORITY TO REJECT BIDS

On behalf of the Director, Diane Heckemeyer, State Design Engineer, advised the Commission that bids were received November 15, 2002 on the following projects. She recommended all bids on call number 402 be rejected because they were considered excessive. She also recommended that all bids on call number 902 be rejected as allowed by Sec. 102.15.1(c) of the Missouri Standard Specifications for Highway Construction due to the project no longer being required. The adjacent project for Fort Leonard Wood has been delayed due to inadequate funding which makes the Commission project unnecessary.

<u>Route</u>	<u>County</u>	<u>Project</u>
Call 402		
35, 210, 29	Clay	J4M0110
Call 902		
H	Pulaski	J9S0500

Upon motion by Commissioner Michie, seconded by Commissioner Orscheln, the Commission, by unanimous vote of all members present, rejected the bids received on the above-mentioned projects.

* * * * *

ROADWAY LOCATION AND DESIGN APPROVAL

On behalf of the Director, District Engineers informed the Commission that preliminary plans and exhibits for the following projects were presented at a public hearing.

Route 61, Clark and Lewis Counties
0.7 Miles north of Routes 61 and 136 Spur (Clark Co.) South to Route B (Lewis Co.)
Job Nos. J3P0423P, J3P0423, J3P0424B and J3P0424
Public Hearing Held October 24, 2002

This improvement will upgrade existing Route 61 to a four-lane expressway by constructing four new lanes on new alignment and two new lanes parallel to existing Route 61. Traffic will be handled over both existing Route 61 and the new construction. This project is 14.8 miles in length.

Mr. Kirk Juranas, District Engineer, District 3, recommended approval of the location and design as presented at the public hearing.

Routes 54, 19, and 107, Audrain, Monroe, Pike and Ralls Counties
Mexico to Bowling Green, Mexico to New London, Mark Twain Lake Connection
Job No. J3P0533
Public Hearings Held August 26, 1996, August 27, 1996, August 29, 1996

The proposed improvement will:

- Widen Route 54 to a four-lane expressway along its present alignment between Bowling Green and the Route 19 North Junction. It will then follow Route J from the Route 19 North Junction to Route MM. The expressway will follow a new alignment from Route NN and tie into existing Route 54 east of Mexico. Route 54 bypasses of Curryville, Vandalia, and Farber are included in this section.
- Widen Route 19 to a four-lane expressway along its present alignment between New London and the north junction with Routes 54. A Route 19 bypass around Center is included in this section.
- Provide twelve-foot lanes and eight-foot shoulders on Route 154 from the Route 54 intersection to Route 19.
- Provide an improved two-lane connection between existing Route 107 and relocated Route 54 by increasing the width of Routes O, D, and E to twelve-foot lanes and six-foot shoulders.

- Provide interchanges at the Route 19 and 154 North Junction, the Route 54 and Route 19 North Junction and the Route 54 and Route 107 intersection.

Traffic will be maintained over the existing roadway during construction. This project provides 70 miles of four-lane divided highway along Routes 54 and 19, and 27 miles of improved two-lane highway along Routes 154 and 107.

Mr. Kirk Juranas, District Engineer, District 3, recommended approval of the location of the proposed improvement identified as the “Preferred Alternative”, including community bypasses at Center, Curryville, and Vandalia.

**Route I-70, Jackson County
Route I-470 to Route 7
Job Nos. J4I1306 and J4I1352
Public Hearing Held August 29, 2002**

This improvement will replace the existing six-lane pavement, shoulders and median; widen the existing bridges over Little Blue River and the Kansas City Southern Railway; add components of the Intelligent Transportation System (ITS); and add auxiliary lanes between Route I470 and the Little Blue Parkway interchanges. The traffic control plan anticipates construction activities during three construction seasons with the contractor responsible for maintaining the existing traffic flow through the job site during construction. During 2003, temporary widening of the existing westbound lanes, retaining walls and other incidental work will be done. During 2004, all traffic will be shifted onto four lanes on the westbound side of the median while the eastbound lanes are reconstructed (J4I1306). During 2005, the project will be completed with all of the traffic shifted to the eastbound side of the median while the westbound lanes are reconstructed (J4I1352) and the median rebuilt. A concrete barrier will separate opposing lanes of traffic during construction. Adequate signing will be provided to control traffic flow in the area and will be augmented through public information and outreach efforts to advise motorists of this traffic situation. This project is 4.8 miles (total of 7.9 miles for ITS installation) in length.

Mr. Sabin Yanez, District Engineer, District 4, advised that Commission approval of the location and design of the proposed improvement was not required, since the road is not being closed and additional right of way is not being purchased. This information was provided due to the public interest in temporary closure of the ramps.

Route 133, Maries County
5.0 Miles South of Route 52 at Carnes Branch
Job No. J5S0528
Hearing Held October 22, 2002

This improvement will include grading, drainage, paving and bridge replacement on new alignment over Carnes Branch. The improvement will be built on all new alignment. Traffic will continue to use the existing facility except during the construction work to tie the new alignment to the existing. During this time, temporary bypasses will be used adjacent to the work. This project is 0.1 mile in length.

Mr. Roger Schwartze, District Engineer, District 5, recommended approval of the location and design of the proposed improvement as presented at the public hearing.

Route N, Maries County
1.9 Miles East of Route 133 at Maries River
Job No. J5S0530
Hearing Held October 22, 2002

This improvement will include grading, drainage, paving and bridge replacement on existing alignment over the Maries River. This improvement will be built in the existing bridge location. Route N will be closed during construction. Traffic will be detoured over other state routes or county roads. This project is 0.1 mile in length.

Mr. Roger Schwartze, District Engineer, District 5, recommended approval of the location and design of the proposed improvement as presented at the public hearing.

Route DD, Maries County
1.3 Miles East of Route 133 at Little Maries River
Job No. J5S0531
Hearing Held October 22, 2002

This improvement will include grading, drainage, paving and bridge replacement on existing alignment over the Little Maries River. This improvement will be built in the existing bridge location. Route DD will be closed during construction. Traffic will be detoured over other state routes or county roads. This project is 0.1 mile in length.

Mr. Roger Schwartze, District Engineer, District 5, recommended approval of the location and design of the proposed improvement as presented at the public hearing.

**Route A, Franklin County
Route 100 to Chamber Drive in City of Washington
Job No. J6S1494
Hearing Held June 6, 2002**

This improvement will widen the existing two-lane roadway to three lanes. This improvement will use the existing pavement in place. During the pavement widening operation, traffic will be handled over the existing pavement with temporary lane closures as necessary to accommodate construction and materials handling procedures. Adequate signing will be provided to control traffic flow in the area and will be augmented through public information and outreach efforts to advise motorists of this traffic situation. This project is 0.6 mile in length.

Mr. Ed Hassinger, District Engineer, District 6, recommended approval of the location and design of the proposed improvement as presented at the public hearing with revisions to address concern about the proposed lane widths.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended locations and designs, the Commission via approval of the consent agenda unanimously found and determined the recommended locations and designs would best serve the interest of the public and approved the recommendations.

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**DISPOSAL OF EXCESS PROPERTY,
ROUTE 60/67 AND PP, BUTLER COUNTY**

On behalf of the Director, Scott Meyer, District Engineer, District 10, recommended approval to convey .69 acre of excess property to Mid America Hotels Corporation for a consideration of \$225,000. The tract is located in the northwest quadrant of Routes 60/67 and Route PP in the city of Poplar Bluff, Butler County.

Via approval of the consent agenda, the Commission unanimously authorized execution of the deed and delivery of same to the grantee upon receipt of the consideration due.

* * * * *

**RATIFICATION OF APPROVAL OF RIGHT OF WAY PLANS FOR
CONDEMNATION**

On behalf of the Director, Diane Heckemeyer, State Design Engineer, recommended the Commission ratify approval by the Chief Engineer of the following right of way plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
Miller	52	J5P0484	August 10, 2001
St. Charles	40	J6P0672D	March 6, 1997(Second Amended)
Clinton	116	J1P0576	February 1, 2002
Warren	47	J3P0416	May 5, 2000
Greene	BL44	J8P0698	March 1, 2002 (Second Amended)
Polk	13	J8P0592	October 19, 1999 (Third Amended)

In accordance with Section 227.050 RSMo, the Commission, via approval of the consent agenda, approved the right of way plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way. Commissioner Orscheln abstained from voting.

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-- REPORTS --

FY 2003 BUDGET UPDATE

Mike Golden, Chief Financial Officer and Herbert Wheeler, Resource Management Director, submitted the FY 2003 budget update. This report shows the budget to actual spending status for the Road and Bridge Budget, Multimodal Operations (aviation, transit, waterways and rails), and One Stop Shop (Highway Reciprocity Commission and Motor Carrier & Railroad Safety).

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DESIGN/BRIDGE ENGINEERING CONSULTANTS REPORT

Diane Heckemeyer, State Design Engineer, submitted a Design/Bridge Engineering Consultants report as of October 31, 2002.

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- ADMINISTRATIVE HEARING -

**IN THE MATTER OF REQUEST FOR
ADMINISTRATIVE REVIEW OF NOTICE
TO REMOVE OUTDOOR ADVERTISING
HEARING NO. 01-08-602
PURE COUNTRY AMOCO FOOD SHOP, APPLICANT
ADMINISTRATIVE HEARING NO. 716**

This is the final decision and order of the Missouri Highways and Transportation Commission following a request for administrative review of a Notice to Remove Outdoor Advertising issued under Section 226.580 RSMo. to Pure Country Amoco Food Shop, (hereinafter, Applicant).

A hearing was conducted by Hearing Examiner Dan Pritchard in the Hearing Room of the State Highway and Transportation Building, Jefferson City, Missouri on December 13, 2001. The Department was represented by Megan L. Waters, Assistant Counsel. Mr. Ron Zumalt, owner of Applicant and general manager of the property owners, attended the hearing. (T. 3). Since Applicant and the property owner are corporations, they can only be represented by a licensed attorney in the State of Missouri (T. 3). The case was submitted on the record.

Having considered all the competent and substantial evidence upon the whole record, we find as follows:

FINDINGS OF FACT

This Hearing involves an outdoor advertising structure (T. 6-10; Commission's Ex. C-F) owned and maintained by Applicant adjacent to Route 65 at County log mile 10.70301 in Taney County and North of Route 248 (T. 5, 12; Commission's Ex. A).

The sign is visible from the main traveled way and is located within 660 feet of the right-of-way of Route 65 which is a part of the primary highway system (T. 12).

The Department's outdoor advertising permit specialist first spotted the sign on November 6, 2000 (T. 4, 12-13). The Department's outdoor advertising permit specialist at the time of the hearing held her position for 4 years (T. 4). The sign is located in the area where the Department's outdoor advertising permit specialist is employed (T. 4-5). The sign was erected around November 6, 2000 (T. 4-5, 12-13).

The sign is located in an area which has been zoned for planned urban development use by Branson, Missouri (T. 14).

The sign is more than 800 square feet in area (T. 13).

On November 6, 2000, the sign contained three displays stacked on top of each other (T. 6; Commission's Ex. C). All of the displays faced in the same direction (T. 6-7; Commission's Ex. C). None of the businesses on the displays are located on the premises where the sign is located (T. 7, 11-12; Commission's Ex. G). The businesses on the displays are located 1,200 feet or more from the sign and there is intervening land use between the sign and the businesses (T. 11-12; Commission's Ex. G).

On April 26, 2001, the sign contained four displays stacked on top of each other (T. 7-8; Commission's Ex. D). All of the displays faced in the same direction (T. 7-8; Commission's Ex. D). One of the displays advertises the Branson Inn which is not on the premises where the sign is located and which is 1,450 feet from the subject sign (T. 7-8; Commission's Ex. D). There is intervening land use between the sign and the Branson Inn (T. 11-12; Commission's Ex. G).

On June 12, 2001, the Department issued a Notice to Remove Outdoor Advertising which was received by Applicant on June 15 (T. 5-6; Commission's Ex. A-B).

On December 3, 2001, the sign contained four stacked displays (T. 8-10; Commission's Ex. E, F). The bottom display advertised Larry Gatlin, The Gatlin Brothers (T. 8-10;

Commission's Ex. E-F). The business which featured Mr. Gatlin is 1,200 feet from the sign and is not located on the premises where the sign is located (T. 9). All of the displays are facing in the same direction (T. 8-10, 13; Commission's Exhibit E-F).

The sign is being maintained without a permit issued by the Department (T. 13-14).

CONCLUSIONS OF LAW

The Commission has jurisdiction under Section 226.580 RSMo. The sign is adjacent to and within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of a primary highway and, thus, subject to the requirements of Sections 226.500 to 226.600 RSMo. and the Commission's administrative rules regarding outdoor advertising.

Signs erected or maintained after March 30, 1972, within 660 feet of the nearest edge of the right-of-way of a primary or interstate highway are regulated and limited to (1) directional and other official signs and notices; (2) on-premise signs; (3) signs located in areas zoned commercial, industrial, or the like; (4) signs located within 600 feet of an unzoned commercial or industrial establishment when located in a county without zoning regulations; and (5) nonconforming signs. Sections 226.520, 226.540, 226.550 RSMo. and 7 CSR 10-6.060(2).

Section 226.540(2)(a) RSMo. Supp. 1999 prohibits signs from exceeding a maximum area of 800 square feet. We conclude the sign violates that prohibition and is subject to removal as an unlawful sign under Section 226.580.1(1) RSMo.

Section 226.540(2)(c) RSMo. Supp. 1999 prohibits after August 28, 1999 new sign structures containing two or more displays which are stacked one above the other. We conclude the sign violates that prohibition and is subject to removal as an unlawful sign under Section 226.580.1(1) RSMo.

The Department properly issued the Notice to remove outdoor advertising.

ORDER

It is, therefore, the order of the Commission that Applicant cause the sign to be removed within 30 days of the date of this order.

This report and order was adopted by unanimous vote of all Commission members present.

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**IN THE MATTER OF REQUEST FOR
ADMINISTRATIVE REVIEW OF NOTICE
TO TERMINATE NONCONFORMING OUTDOOR ADVERTISING
HEARING NO. 02-03-155
CENTRAL STONE COMPANY, APPLICANT,
ADMINISTRATIVE HEARING NO. 718**

This is the final decision and order of the Missouri Highways and Transportation Commission following a request for administrative review of a Notice to Terminate Nonconforming Outdoor Advertising issued under 7 CSR 10-6.060(3) by the Missouri Department of Transportation (hereinafter, Department) to Central Stone Co. (hereinafter, Applicant).

A hearing was conducted by Hearing Examiner Dan Pritchard in the Hearing Room of the State Highway and Transportation Building, Jefferson City, Missouri, on June 12, 2002. The Department was represented by Robert Hibbs, Sr. Assistant Counsel. The Applicant was represented by Neil F. Maune, Jr., Attorney at Law. The Applicant submitted a brief. The case was submitted on the record.

Having considered all the competent and substantial evidence upon the whole record, we find as follows:

FINDINGS OF FACT

This Hearing involves an outdoor advertising structure (T. 8-10, 29-31; Ex. F, G, H; Applicant's Ex. 1-3) owned and maintained by Applicant adjacent to Route 24 in Ralls County at County log mile 2.418 (T. 6; Ex. A).

The sign is visible from the main traveled way and is located within 660 feet of the right-of-way of Route 24 which is a part of the primary highway system (T. 11).

On February 21, 1978, Applicant filed an application for permit to maintain outdoor advertising (existing signs except directional and other official signs) (T. 7; Ex. C).

According to the application, the sign was erected in 1947 (T. 7, 11; Ex. C).

On February 27, 1978, the Department issued an outdoor advertising permit to Applicant for the sign (T. 7-8; Ex. D).

According to the permit, the sign was classified as a nonconforming sign (T. 7-8; Ex. D).

In February of 2000, the sign consisted of three wooden poles (T. 8-9, 34-35; Ex. F).

On May 22, 2000, the Department issued a Biennial Nonconforming Permit for the sign (T. 8; Ex. E).

Applicant approximately two years before the June 12, 2002 hearing modified the sign (T. 23, 35). In a change ordered by Applicant, the sign became a one metal pole structure instead of a three wooden pole structure (T. 34-35). In January and June of 2002, the sign remained a one metal pole structure (T. 9-11, 29-31; Ex. G-H; Applicant's Ex. 1-3).

The sign is not located within any city limits (T. 12). The sign is located in an area zoned agriculture (T. 12).

Applicant at the hearing claimed that the sign was used for directional purpose for truckers and suppliers and Department personnel to find the quarry (T. 24). Applicant's quarry is located south of Route 24 approximately 1 ½ miles down Route HH (T. 23-34).

The Department's District Engineer issued a Notice to Terminate Nonconforming Outdoor Advertising for the sign which was received by the Applicant (T. 6-7; Ex. A-B).

CONCLUSIONS OF LAW

The Commission has jurisdiction under Section 7 CSR 10-6.060(3), 23 CFR 750.707(d) and Section 226.150 RSMo. The sign is adjacent to and within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of primary highway and, thus, subject to the requirements of Sections 226.500 to 226.600 RSMo. and 7 CSR 10-6.060.

Signs erected or maintained after March 30, 1972, within 660 feet of the nearest edge of the right-of-way of a primary or interstate highway are regulated and limited to (1) directional and other official signs and notices; (2) on-premise signs; (3) signs located in areas zoned commercial, industrial, or the like; (4) signs located within 600 feet of an unzoned commercial or industrial establishment when located in a county without zoning regulations; and (5) nonconforming signs. Sections 226.520, 226.540, 226.550 RSMo. and 7 CSR 10-6.060(2).

We conclude the sign was lawfully erected but is being maintained in violation of the location requirements of Sections 226.520(3) and 226.540(6) RSMo.

A sign which is lawfully erected but which does not conform to the requirements of state statutes enacted at a later date or which fails to comply with state statutes due to changed conditions is a nonconforming sign. See 7 CSR 10-6.015 (24). Such a sign may be repaired and maintained by the signowner subject to the limitations of the Commission's administrative rules regarding maintenance of nonconforming signs. Violation of such rules, however, disqualifies the sign from being maintained as a nonconforming sign and subjects it to removal without

compensation by the Commission. Boyce Industries, Inc., v. Missouri Highway and Transportation Commission, 670 SW 2d 147 (Mo. App. 1984). Knowledge of any of the violations is not required. Martin Oil Co. v. Missouri Highway and Transportation Commission, 2 SW3d 144 (Mo. App. S.D. 1999).

We conclude the sign was a lawful nonconforming sign in February of 2000, but that the type of materials used in construction of the sign was changed after February 2000 in violation of 7 CSR 10-6.060(3)(B).

According to 7 CSR 10-6.020(2)(E), directional signs are signs containing directional messages about public places owned or operated by federal, state or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed by the Commission to be in the interest of the traveling public. The evidence at the hearing does not show any basis for Applicant's sign to be considered a directional sign under 7 CSR 10-6.020(2)(E). In fact, the application for permit which was filed by Applicant excludes directional signs. Thus, Applicant's claim of a directional purpose is insufficient to establish Applicant's sign as a directional sign.

In its brief, Applicant claims that 7 CSR 10-6.060 does not include poles. In taking this position, Applicant is ignoring Martin Oil Company v. Missouri Highway Transportation Commission, 2 S.W. 3d 144 (Mo. App. S.D. 1999) wherein the Court affirmed the Commission's decision that changing wooden poles to metal poles was a violation of 7 CSR 10-6.060(3)(B). See also Boyce Industries, Inc. v. Missouri Highway and Transportation Commission, 670 S.W. 2d 147 (Mo. App. 1984). Thus, Applicant's position is without merit.

The Department properly issued the Notice to Terminate Nonconforming Outdoor Advertising.

ORDER

It is, therefore, the order of the Commission that Applicant cause the sign to be removed within 30 days of the date of this order.

This report and order was adopted by unanimous vote of all Commission members present.

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By unanimous vote of all members present, the meeting of the Commission was adjourned.

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